

Appl. No. 10/627,267
Amdt. Dated April 4, 2005
Reply to Office Action of December 2, 2004

• • R E M A R K S / A R G U M E N T S • •

The Official Action of December 2, 2004 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, independent claim 1 has been changed to recite that "a, b, c, d, e and f, independently are 0 or positive integers from θ 1 to 30 with the proviso that the sum of $a + b + c + d + e + f$ is from 6 to 80." This change to claim 1 avoids the inference that zero (0) is a positive integer.

This change to the claims is believed to be properly enterable after Final Rejection inasmuch as it addresses and overcomes issued raised by the Examiner under 35 U.S.C. §112, second paragraph.

Entry of the changes to the claims is respectfully requested.

Claims 1-3 are pending in this application.

On page 2 of the Official Action the Examiner has rejected claims 1 and 2 under 35 U.S.C. §112, second paragraph. Under this rejection the Examiner notes that "it is not readily ascertainable as to how '0' further limits the antecedently recited 'positive integers.'"

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In response to this rejection, claim 1 has been changed to recite that "a, b, c, d, e and f, independently are 0 or positive integers from 0 1 to 30 with the proviso that the sum of $a + b + c + d + e + f$ is from 6 to 80."

This change to claim 1 avoids the inference that zero (0) is a positive integer and is believed to address and overcome the outstanding rejection of the claims under 35 U.S.C. §112, second paragraph.

Claims 1 and 2 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of co-pending application serial no. 10/627,267.

Claim 3 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of co-pending application serial no. 10/627,267 in view of JP 2-180941.

In response to the provisional obviousness-type double patenting rejections which were repeated from the Official Action mailed May 21, 2004, applicant filed a Terminal Disclaimer on January 17, 2004 in which the terminal part of any application issuing on the present application which would extend beyond the term of any patent issuing on co-pending application serial no. 10/627,267 was disclaimed.

The undersigned has verified from the PTO's PAIR system that the Terminal Disclaimer was approved.

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Accordingly, it is believed that all the outstanding matters and rejections have been overcome in this application and, upon entry of the present amendment, the application will be in condition for allowance.

Accordingly, entry of the present amendment and an early allowance of the application are earnestly solicited.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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